

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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)  
NATIONAL ASSOCIATION OF GOVERNMENT )

EMPLOYEES, INC., )

Plaintiff, )

v. )

NATIONAL EMERGENCY MEDICAL )

SERVICES ASSOCIATION, INC. and )

TORREN K. COLCORD, )

Defendants, )

and )

AMERICAN MEDICAL RESPONSE, )

Trustee Defendant. )  
\_\_\_\_\_

CIVIL ACTION NO. 13-10854-JLT

**DEFENDANTS' MOTION TO DISMISS OR,  
IN THE ALTERNATIVE,  
MOTION FOR STAY AND AN ORDER COMPELLING ARBITRATION**

The defendants National Emergency Medical Services Association, Inc. (hereafter "NEMSA") and its Executive Director, Torren K. Colcord (hereafter "Colcord") (collectively "Defendants"), hereby moves this Court to dismiss this case under either Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction or Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, on the grounds that there is an arbitration clause in this matter which states that negotiation, mediation and/or arbitration through the Arbitration Arbitration Association shall be the "only" means of dispute resolution between the Defendants and the plaintiff. In the alternative, the Defendants move that this Court issue a stay and enter an Order compelling arbitration under 9 U.S.C. § 3.

In support of this motion, the Defendants rely on and incorporate herein Defendants' Memorandum Of Law In Support Of Their Motion To Dismiss Or, In The Alternative, Motion For Stay And An Order Compelling Arbitration filed simultaneously herewith.

DEFENDANTS NATIONAL EMERGENCY  
MEDICAL SERVICES ASSOCIATION, INC. and  
TORREN K. COLCORD  
By their attorneys,

/s/ John P. Connelly

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Dated: May 3, 2013

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on May 3, 2013.

/s/ John P. Connelly

John P. Connelly